

*United States ex rel. Michael Mullen v. AmerisourceBergen Corp., et al.,*  
CV-10-4856 (Gershon, J.)(Tiscione, M.J.)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, and  
THE STATES OF CALIFORNIA, COLORADO,  
CONNECTICUT, DELAWARE, FLORIDA,  
GEORGIA, HAWAII, ILLINOIS, INDIANA,  
LOUISIANA, MARYLAND, MICHIGAN,  
MINNESOTA, NEVADA, NEW HAMPSHIRE,  
NEW JERSEY, NEW MEXICO, NEW YORK,  
NORTH CAROLINA, OKLAHOMA, RHODE  
ISLAND, TENNESSEE, TEXAS, and  
WISCONSIN; THE COMMONWEALTHS OF  
MASSACHUSETTS and VIRGINIA; and  
THE DISTRICT OF COLUMBIA;  
*EX REL.* MICHAEL MULLEN,

Civil Action No.  
CV-10-4856

(Gershon, J.)  
(Tiscione, M.J.)

Plaintiffs,

v.

AMERISOURCEBERGEN CORPORATION,  
AMERISOURCEBERGEN SPECIALTY  
GROUP, INC., INTERNATIONAL ONCOLOGY  
NETWORK, ONCOLOGY SUPPLY COMPANY,  
and MEDICAL INITIATIVES, INC.,

Defendants.

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**STIPULATION OF DISMISSAL AND ORDER**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms and conditions of the September 28, 2018 Settlement Agreement (“Settlement Agreement”) between the United States, Relator Michael Mullen, and Defendants AmerisourceBergen Corporation, AmerisourceBergen Specialty Group, International Oncology Network, Oncology Supply

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Company and Medical Initiatives Inc., (collectively, the “ABC Defendants”), the Parties hereby stipulate, through their undersigned counsel, to the entry of an order (1) dismissing with prejudice all civil monetary claims asserted on behalf of the United States against the ABC Defendants for the Covered Conduct as defined in Recitals Paragraph H of the Settlement Agreement, (2) dismissing without prejudice to the United States and with prejudice to Relator Mullen all other claims against the ABC Defendants asserted on behalf of the United States by Relator Mullen, (3) dismissing with prejudice all claims asserted against the ABC Defendants on behalf of Relator Mullen under 31 U.S.C. § 3730(d) with respect to attorney’s fees, costs and expenses, and (4) dismissing with prejudice all claims asserted against the ABC Defendants on behalf of Relator Mullen in Counts Thirty-One, Thirty-Two, and Thirty-Three of his First Amended Complaint.

Dated: Brooklyn, New York

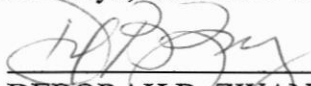
November 8, 2018

For the United States:

Respectfully submitted,

RICHARD P. DONOGHUE  
United States Attorney  
Eastern District of New York  
Attorney for the United States  
271 Cadman Plaza East  
Brooklyn, New York 11201

By:

  
DEBORAH B. ZWANY (DBZ7987)  
MATTHEW SILVERMAN (MS 4595)  
Assistant U.S. Attorney

United States ex rel. Michael Mullen v. AmerisourceBergen Corp., et al.,  
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SANJAY M. BHAMBHANI  
JOHN HENEERY  
Commercial Litigation Branch  
Civil Division  
United States Department of Justice

For Relator:

NEIL S. CARTUSCIELLO  
CARTUSCIELLO & KOZACHEK LLC  
101 Farnsworth Avenue  
Bordentown, NJ 08505

By: Neil S. Cartuscio/sed  
NEIL S. CARTUSCIELLO (NSC-2460)

ROBERT M. THOMAS, JR. (BBO # 645600)  
THOMAS & ASSOCIATES  
20 Park Plaza, Suite 438  
Boston, MA 02116

By: Robert M. Thomas Jr.  
ROBERT M. THOMAS, JR. (BBO # 645600)

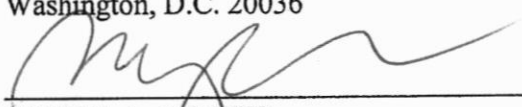
SUZANNE E. DURRELL (BBO # 139280)  
DURRELL LAW OFFICE  
180 Williams Avenue  
Milton, MA 02186

By: Suzanne E. Durrell  
SUZANNE E. DURRELL (BBO # 139280)

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KELLOGG, HANSEN, TODD,  
FIGEL & FREDERICK P.L.L.C.  
1615 M Street, N.W.  
Suite 400  
Washington, D.C. 20036

By:

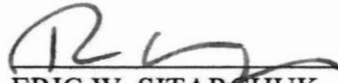
  
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SILVIJA A. STRIKIS  
JOSEPH S. HALL

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For the ABC Defendants:

MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103

By:

  
ERIC W. SITARCHUK  
JOHN J. PEASE III  
RYAN P. MCCARTHY

SO ORDERED:

Brooklyn, New York

\_\_\_\_\_, 2018

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HONORABLE NINA GERSHON  
United States District Judge, E.D.N.Y.